

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

GREGORY G. BROWN)	
)	
Petitioner,)	Civil Action No. 22-158
)	
v.)	District Judge David S. Cercone
)	Magistrate Judge Maureen P. Kelly
COMMONWEALTH OF PA; and)	
WASHINGTON COUNTY DISTRICT)	Re: ECF No. 8
ATTORNEY,)	
)	
Respondents.)	

MEMORANDUM ORDER

Gregory G. Brown (“Petitioner”) is a pre-trial detainee currently housed in the Washington County Jail in Washington, Pennsylvania. This case was initiated on January 27, 2022 with the receipt of Petitioner’s self-styled “Informal 2254 Habeas / Corpus,” (the “Initial Petition”) in which Petitioner sought relief from “false incarceration at CR-264 2021.” ECF No. 1 at 4. An Amended Petition was filed on February 22, 2022. ECF No. 6.

On March 7, 2022, United States Magistrate Judge Maureen Kelly issued a Report and Recommendation recommending that this case be dismissed pre-service. See ECF No. 8.

In response, Petitioner filed a Notice of Appeal directly with the Court of Appeals on March 7, 2022. ECF No. 9. That appeal was dismissed on May 11, 2022, for failure to prosecute. ECF No. 15.

During the pendency of the appeal, Petitioner submitted Objections to the Report and Recommendation. ECF No. 14. After the appeal was dismissed, and out of an abundance of caution, Petitioner was granted until June 13, 2022, to file supplemental objections. ECF No. 16. To date, no supplemental objections have been filed, and this Court presumes that Petitioner

intends to stand on his initial Objections.

After *de novo* review of the pleadings and documents in the case, together with the Amended Petition, ECF No. 6, the Report and Recommendation, ECF No. 8, and Petitioner's Objections thereto, ECF No. 14, the following order is entered:

AND NOW, this 25th day of July, 2022,

IT IS HEREBY ORDERED that this case is DISMISSED. Petitioner's Objections are OVERRULED and DISMISSED.

IT IS FURTHER ORDERED that a certificate of appealability is DENIED, as jurists of reason would not debate whether Petitioner was entitled to relief. See Slack v. McDaniel, 529 U.S. 473, 484-85 (2000).

IT IS FURTHER ORDERED the Report and Recommendation, ECF No. 8, as it is supplemented by this Order, is adopted as the opinion of this Court.

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if Petitioner wishes to appeal from this Order he must file a notice of appeal within 30 days, as provided in Rule 3 of the Federal Rules of Appellate Procedure, with the Clerk of Court, United States District Court, 700 Grant Street, Room 3110, Pittsburgh, PA 15219. Petitioner is referred to Rule 22 of the Federal Rules of Appellate Procedure and to 3d Cir. L.A.R. 22.1 for the timing requirements for applying for a certificate of appealability from the Court of Appeals (available at https://www2.ca3.uscourts.gov/legacyfiles/2011_LAR_Final.pdf).

s/David Stewart Cercone
David Stewart Cercone
Senior United States District Judge

cc: The Honorable Maureen P. Kelly
United States Magistrate Judge

(Via CM/ECF Electronic Mail)

Gregory Brown
2020-000188
Washington County Jail
100 W. Cherry Avenue
Washington, PA 15301

(Sent Via First Class Mail)